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8 Attorneys for Defendant  
9 KNOWLEDGESTORM, INC.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

12 JASBIR GILL, MAHMOUD  
13 KEDKAD,

14 Plaintiffs,

15 v.

16 KNOWLEDGESTORM, INC., a  
17 corporation, DOES 1through 50,

18 Defendants.

Case No.

**NOTICE OF REMOVAL OF  
ACTION BY DEFENDANT  
KNOWLEDGESTORM, INC.  
PURSUANT TO 28 U.S.C. §§ 1441  
AND 1446**

1           **TO THE HONORABLE JUDGES OF THE UNITED STATES**  
2           **DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,**  
3           **SAN JOSE DIVISION:**

4           Defendant KnowledgeStorm, Inc. ("Defendant") files this Notice of Removal  
5           pursuant to 28 U.S.C. §§ 1441 and 1446.

6           **A.     INTRODUCTION**

7           1.     Plaintiffs Jasbir Gill and Mahmoud Kedkad ("Plaintiffs") filed a  
8           Complaint on July 13, 2007, in the Superior Court of the State of California,  
9           County of Santa Clara, entitled, Jasbir Gill, Mahmoud Kedkad v. KnowledgeStorm,  
10          Inc., a corporation, DOES 1 through 50, Case No. 107CV089782. True and correct  
11          copies of the Summons and Complaint are attached hereto as Exhibit "1."

12          2.     Defendant was served with the Complaint via CT Corporation System  
13          on July 16, 2007, in Los Angeles, California. A true and correct copy of the CT  
14          Corporation System Service of Process Transmittal is attached hereto as Exhibit  
15          "2."

16          **B.     NATURE OF THE SUIT**

17          3.     Plaintiffs bring three employment tort claims against Defendant for: (i)  
18          Racial Harassment; (ii) Retaliation; and (iii) Termination in Violation of Public  
19          Policy.

20          **C.     BASIS FOR REMOVAL**

21          4.     Removal is proper because this action is one which the Court has  
22          original jurisdiction under the provisions of 28 U.S.C. § 1332 and is one which may  
23          be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a), in that  
24          it is a civil action where the amount in controversy exceeds \$75,000, exclusive of  
25          interest and costs, and is between citizens of different states.

26          5.     Plaintiff Gill was and is at all relevant times a resident of the City of  
27          Santa Clara, County of Santa Clara, State of California, as indicated in her sworn  
28          Complaint of Discrimination under the provisions of the California Fair

1 Employment and Housing Act, which is attached as an exhibit to the Complaint.

2 6. Plaintiff Kedkad was and is at all relevant times a resident of the City  
3 of Redwood City, County of San Mateo, State of California, as indicated in his  
4 sworn Complaint of Discrimination under the provisions of the California Fair  
5 Employment and Housing Act, which is attached as an exhibit to the Complaint

6 7. Plaintiffs allege that all of the conduct complained of in this action  
7 took place in the County of Santa Clara, California.

8 8. Defendant is a Delaware corporation. Defendant's principal place of  
9 business is Alpharetta, Georgia in that a substantial predominance of its corporate  
10 activity takes place in Georgia and/or Georgia is where the majority of its executive  
11 and administrative functions are performed.

12 9. Based upon the damages sought in the Complaint, the amount in  
13 controversy, excluding interest and costs, could reasonably exceed the sum of  
14 \$75,000. This calculation is supported by the amount of the economic loss  
15 allegedly owed to Plaintiffs, the emotional and physical distress allegedly suffered  
16 by Plaintiffs, the punitive damages allegedly owed to Plaintiffs, and their claim for  
17 statutory attorneys' fees. (See Exhibit "1.")

18 **D. THE NOTICE OF REMOVAL IS PROCEDURALLY CORRECT**

19 10. Defendant timely files this Notice of Removal within thirty (30) days  
20 of being served with the Complaint, as required by 28 U.S.C. § 1446(b).

21 11. Defendant has attached to this Notice, all pleadings, process, orders,  
22 and all other filings in the state court action, as required by 28 U.S.C. § 1446(a). A  
23 true and correct copy of the Answer served upon Plaintiffs and filed by Defendant  
24 on August 9, 2007, is attached hereto as Exhibit "3." (See Exhibits "1," "2," &  
25 "3.")

26 12. Venue is proper in this District under 28 U.S.C. § 1441(a) because this  
27 District and Division embrace the place in which the removed action has been  
28 pending.

1           13. Defendant will promptly file a copy of this Notice of Removal with the  
2 Clerk of the state court in which the action has been pending. A true and correct  
3 copy of the Notice of Filing of Notice of Removal to be filed is attached hereto as  
4 Exhibit "4."

5           WHEREFORE, in light of the foregoing, Defendant requests this Court to  
6 remove the instant case from the Superior Court of the State of California, County  
7 of Santa Clara, to the United States District Court for the Northern District of  
8 California, San Jose Division.

9  
10 Dated: August 8, 2007

FORD & HARRISON LLP

11  
12 By: Steven M. Kroll  
13 Steven M. Kroll  
14 Attorneys for Defendant  
15 KNOWLEDGESTORM, INC.  
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Sent by: ;

07/13/2007 11:23

40823/6160

770-290-8841;

Jul-18-07 11:40;

Page 3

COUNTY PROCESS SVC

PAGE 02/19

# SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

KNOWLEDGESTORM INC., A CORPORATION, DOES 1  
THROUGH 50

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):  
JASBIR GILL, MAHMOUD KEDKAD

SUM-100

RECEIVED  
SOLO PARA USAR EN LA CORTE

2007 JUL 13 AM 10:14

CHIEF EXECUTIVE CLERK  
SUPERIOR COURT OF CA  
COUNTY OF SANTA CLARA

BY: L. QUACH-MARCELLANA - DEPUTY

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SANTA CLARA COUNTY SUPERIOR COURT  
191 N. First St., San Jose, CA 95113

CASE NUMBER  
(Número de Caso)  
No.

CVC V089782

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Brian S. Kreger

160 W. Santa Clara St., Suite 1050 San Jose, CA 95113, 408-999-0300

Kiri Torre

L. QUACH-MARCELLANA

DATE:

(Fecha)

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).

(REAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): KnowledgeStorm, Inc., A Corporation

under: ☒ CCP 416.10 (corporation)☐ CCP 416.20 (defunct corporation)☐ CCP 416.40 (association or partnership)☐ other (specify):

4. ☐ by personal delivery on (date):

☐ CCP 416.60 (minor)☐ CCP 416.70 (conservatee)☐ CCP 416.90 (authorized person)

1 BRIAN S. KREGER, State Bar No. 106707  
2 LAMBERTO & KREGER  
3 160 W. Santa Clara St., Suite 1050  
4 San Jose, CA 95113  
5 Telephone: (408) 999-0300  
6 Facsimile: (408) 999-0301

7 Attorneys for Plaintiffs

(ENDORSED)

2007 JUL 13 AM 10:14

CHIEF CLERK / CLERK  
SUPERIOR COURT OF CA  
COUNTY OF SANTA CLARA

L. CHURCH / JESSIE LANE

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

9  
10 JASBIR GILL, MAHMOUD KEDKAD,

Case No. 107CV089782

11 Plaintiffs,

12 vs.

COMPLAINT FOR RACIAL  
HARASSMENT, RACIAL  
DISCRIMINATION, RETALIATION

13 KNOWLEDGESTORM, INC. a corporation,  
14 DOES 1 THROUGH 50,

REQUEST FOR JURY TRIAL

15 Defendants.

16  
17 DEMAND EXCEEDS \$10,000

18 Plaintiffs allege as follows:

19 1. Plaintiffs are informed and believe and thereon allege that  
20 defendants are employers and corporations doing business in the County of  
21 Santa Clara, State of California.

22 2. The true names and capacity of defendants named herein as Does 1  
23 through 20 inclusive, whether individual, corporate, associate or otherwise, are  
24 unknown to plaintiffs who therefore sue such defendants by fictitious names  
25 pursuant to California Code of Civil Procedures § 474. Plaintiffs will amend this  
26 complaint to show the true names and capacities when they have been  
27 determined.  
28

Complaint for Damages

1 3. At all times relevant herein, plaintiffs were employed by defendants.

2 4. Defendants are subject to suit under the California Fair Employment  
3 and Housing Act, Government Code § 12900 et seq. and defendants are  
4 employers who regularly employs five or more persons. Plaintiffs have  
5 complied with all claims or requirements for filing a suit for sexual and racial  
6 harassment and have received right to sue letters concerning their allegations of  
7 racial harassment by defendants.

8 FIRST CAUSE OF ACTION

9 RACIAL HARASSMENT

10 5. Plaintiffs incorporate paragraphs 1 through 4 of the complaint as if  
11 fully set forth herein. Plaintiffs were subjected to a hostile work environment  
12 which was severe and pervasive based upon racial and national origin  
13 harassment which included comments and slurs beginning in December 2006,  
14 including the following as set forth below.

15 6. Joe Brown, plaintiffs' supervisor, and an employee of defendant,  
16 stated to another employee, regarding plaintiff Kedkad, "What do you think of  
17 the camel jockey working for KnowledgeStorm. Why don't you take the swat  
18 out on him so he will start making some calls."

19 7. The week of January 15, 2007, Joe Brown ridiculed plaintiff Kedkad  
20 and said "Why are you dressed like this, this is not the Middle East."

21 8. The week of January 15, 2007, Joe Brown said to plaintiff Gill, "Is  
22 that what they teach in India, you need to learn the right way which is the  
23 white man's way."

24 9. On January 31, 2007, after a face to face meeting with a business  
25 prospect, plaintiff Kedkad spoke to a supervisor, Jason Hoback about the racial  
26 slurs he had overheard Joe Brown say to employee Joe Neidenberger. His  
27 response was, "Joe Brown is inexperienced in management and might have  
28 said things that he did not mean. Please bear with us for the next few months.



1 We will give you big accounts and you will make a lot of money if you don't  
2 repeat this to anyone."

3 10. On January 31, 2007, plaintiff Gill spoke to the same supervisor  
4 about the racial slurs, discrimination and harassment but did nothing. He said  
5 that she was just over reacting.

6 11. On February 21, 2007, plaintiff was not invited to a business dinner  
7 by Joe Brown in which the entire Western region was invited. Jokes were made  
8 that plaintiff's would not be invited to meetings in San Francisco as they would  
9 scope out terrorist targets.

10 12. On February 21, 2007 Joe Brown commented to plaintiff Kedkad that  
11 he hated Indians as they were taking all the jobs. Joe Brown asked him if he  
12 had heard from plaintiff Gill who was on vacation in India. Joe Brown said that  
13 maybe she won't come back and anyways there are too many Indians here who  
14 are taking away the jobs and that he hated these Indians.

15 13. The week of March 19, 2007, Joe Brown called plaintiff Gill and  
16 shouted at her and in a very threatening voice asked her if she was leaving or  
17 staying. He said that she better tell him or he would make it very difficult for  
18 her to do her job.

19 14. On March 21, 2007, plaintiff Kedkad spoke to supervisor Jason  
20 Hoback on the phone and reiterated the racial slurs and discrimination meted  
21 out to him and Ms. Gill from Joe Brown.

22 15. On March 22, 2007 plaintiff Gill spoke to supervisor Jason Hoback  
23 on the phone and told him about the racial slurs from Joe Brown and his  
24 threatening voice and harassment. However, Mr. Hoback did nothing and stated  
25 that plaintiffs should hang in there and be supportive of the management.

26 16. The week of March 26, 2007, Joe Brown said in front of plaintiff  
27 Gill, "All Muslims are terrorists".

28 17. In March 28, 2007, after a joint meeting with a business prospect,

1 Joe Brown said to plaintiff Kedkad, "You should go back to school so you can  
2 learn to read, write and talk normal, like us."

3 18. On April 3, 2007 plaintiffs had a telephone conversation with Jason  
4 Hoback. Plaintiffs asked him about the contract that he had promised them and  
5 asked him about the contracts and raises given to other employees and even  
6 the ones that were leaving. Also they told him about the recent racial slurs and  
7 discrimination from Joe Brown. Jason Hoback became very angry with them  
8 and threatened plaintiffs and said that he would fire them for creating trouble.  
9 Plaintiff heard that they were referred to as "sand niggers." Joe Brown made  
10 these racial comments and threats to plaintiffs with the intent of harassing,  
11 intimidating and interfering with plaintiffs' ability to perform their job duties.

12 19. Defendants further demanded, and plaintiff's refused, to commit  
13 fraudulent acts including falsifying start dates and inflate proposals in an effort  
14 to defraud potential buyers.

15 20. On April 12, 2007, defendant fired plaintiff based upon her race,  
16 national origin and in retaliation for complaining of racial harassment.

17 21. The foregoing acts of defendants were outrageous and did in fact  
18 cause plaintiffs to suffer severe emotional distress. As a proximate result of  
19 said conduct, plaintiffs suffered embarrassment, anxiety, humiliation, emotional  
20 distress, and will continue to suffer said emotional distress in an amount in  
21 excess of the minimum jurisdiction of this court, the precise amount of which  
22 will be proven at the time of trial.

23 22. Defendants committed the acts alleged herein maliciously,  
24 fraudulently, and oppressively, with the wrongful intention of injuring plaintiffs  
25 amounting to malice and in conscious disregard of plaintiffs' rights. Because  
26 the above described conduct was carried out by managerial employees acting in  
27 a despicable, deliberate intentional manner in order to injure and damage  
28 plaintiffs, plaintiffs are entitled to recover punitive damages from defendants in

1 an amount according to proof.

2 Wherefore, plaintiffs pray for a judgment against defendants and each of  
3 them as follows:

4  
5 SECOND CAUSE OF ACTION

6 RETALIATION

7 23. Plaintiffs hereby incorporate by reference paragraphs 1 through 20  
8 of this complaint as if fully set forth herein.

9 24. On April 12, 2007, in retaliation for plaintiffs' complaint of racial  
10 harassment, Jason Hoback and Joe Brown called plaintiff Gill and started  
11 screaming and calling her names. When she tried to ask him what had  
12 happened, he falsely said was that they were firing her for "violating company  
13 policy." Plaintiff Gill tried asking Joe Brown what Jason Hoback meant by that  
14 and he repeated the same line and refused to identify the policy. The stated  
15 reason was a pretext for the actual reason which was racial discrimination and  
16 retaliation.

17 25. On April 12, 2007, Joe Brown called plaintiff Kedkad and threatened  
18 him right after firing plaintiff Gill and telling him that if he kept creating trouble  
19 he would be terminated as well.

20 26. On April 18, 2007, after a joint visit with a business prospect, Joe  
21 Brown said to plaintiff Kedkad that he wondered what the crime rate in this  
22 area must be with all the foreigners living here.

23 27. Plaintiffs were not given accounts to work on even though everyone  
24 else was and it had been promised to them during their interview.  
25 Plaintiffs were not given a telemarketer to set appointments for them even  
26 though everybody around them had one. They were never given any inbound  
27 leads as these were reserved for the Caucasians.

28 28. Plaintiffs had other employees poaching on their accounts even

1 though there was a 45 day rule and when it was brought to Joe Brown's  
2 attention, nothing was done about it.

3 29. Upon receipt of a letter from an employee complaining of racial  
4 harassment toward plaintiffs, defendant followed a policy of intimidation.  
5 Kelly Gay, the CEO of the company along with another senior VP called plaintiff  
6 Kedkad days after receiving the letter and threatened him with termination  
7 based on false allegations. Defendant fabricated allegations against him and  
8 falsely accused him with using vulgar language with a fellow employee. When  
9 plaintiff again raised the issue of ongoing racial harassment, CEO Kelly Gay  
10 denied knowing anything about it and took no action.

11 30. Thereafter, defendant embarked on a course of intimidation and non-  
12 cooperation in an effort to prohibit plaintiff Kedkad from succeeding in his job  
13 and attempting to force him to leave.

14 31. As a further proximate result of defendants harassment against  
15 plaintiffs, as alleged above, plaintiffs have been harmed and have suffered  
16 economic loss, humiliation, severe mental anguish, emotional and physical  
17 distress and have been injured in mind and body in an amount according to  
18 proof.

19 32. The above recited actions of defendants were done with malice,  
20 fraud, and oppression, and in reckless disregard of plaintiffs' rights and with  
21 defendants' advance knowledge of Brown's unfitness.

22 Wherefore, plaintiffs pray for judgment hereinafter set forth.

23 **THIRD CAUSE OF ACTION**

24 **TERMINATION IN VIOLATION OF PUBLIC POLICY**

25 33. Plaintiffs hereby incorporate by reference paragraphs 1 through 32  
26 of this complaint as if fully set forth herein.

27 34. A substantial factor in Defendant's termination of plaintiff Gill was  
28 her refusal to engage in unlawful acts including the falsifying of start dates and

1 falsifying the amount of proposals to deceive prospective buyers of the  
2 company.

3 35. Defendants, acting on their own and through agents and employees  
4 engaged in the acts heretofore described deliberately and intentionally in order  
5 to cause plaintiffs severe emotional distress; alternatively plaintiffs allege that  
6 such conduct was done in reckless disregard of the probability of said conduct  
7 causing her severe emotional distress.

8 36. The foregoing acts of defendants were outrageous and did in fact  
9 cause plaintiffs to suffer severe emotional distress. As a proximate result of  
10 said conduct, plaintiffs suffered embarrassment, anxiety, humiliation, emotional  
11 distress, and will continue to suffer said emotional distress in an amount in  
12 excess of the minimum jurisdiction of this court, the precise amount of which  
13 will be proven at the time of trial.

14 37. Defendants committed the acts alleged herein maliciously,  
15 fraudulently, and oppressively, with the wrongful intention of injuring plaintiffs  
16 amounting to malice and in conscious disregard of plaintiffs' rights. Because  
17 the above described conduct was carried out by managerial employees acting in  
18 a despicable, deliberate intentional manner in order to injure and damage  
19 plaintiffs, plaintiffs are entitled to recover punitive damages from defendants in  
20 an amount according to proof.

21 Wherefore, Plaintiffs pray for a judgment against defendants and each of  
22 them as follows:

23 1). For compensatory damages including lost wages, lost employee  
24 benefits, commissions, bonuses, vacation benefits, mental and  
25 emotional distress, and other special and general damages according  
26 to proof;

27 2). For an award of punitive damages;

28 3). For an award of interest including prejudgement interest at the legal

Sent By: ;

07/13/2007 11:23

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770-290-8841;

Jul-18-07 11:44;

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COUNTY PROCESS SVC

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1 rate;

2 4). For an award to plaintiffs for cost of suit incurred herein on all causes  
3 of action;

4 5). For an award to plaintiffs of attorney's fee pursuant to Government  
5 Code § 12940 et seq.

6 6). For an award to plaintiffs for such other and further relief as this  
7 court deems just and proper.

8

9 Dated: July 12, 2007

LAMBERTO & KREGER

10

11

By: 

BRIAN S. KREGER  
Attorneys for Plaintiffs

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Complaint for Damages

- 8 -

Sent By: ;

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770-290-8841;

Jul-18-07 11:44;

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COUNTY PROCESS SVC

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STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

## DEPARTMENT OF FAIR EMPLOYMENT &amp; HOUSING

2570 N. First Street, Suite 480, San Jose, CA 95131  
(408) 325-0344 TTY (800) 700-2320 Fax (408) 325-0339  
www.dfeh.ca.gov

ARNOLD SCHWARZENEGGER, Governor



May 14, 2007

BRIAN KREGER

ATTORNEY

LAMBERTO &amp; KREGER

160 W SANTA CLARA STREET #1050

SAN JOSE, CA 95113

RE: E200607G1111-00-rc

KEDKAD/KNOWLEDGESTORM

Dear BRIAN KREGER:

## NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 11, 2007 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Sent By: ;

07/13/2007 11:23 4082976160

770-290-8841;

Jul-18-07 11:45;

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COUNTY PROCESS SVC

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Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Marlene Massetti  
District Administrator

cc: Case File

JOE BROWN  
EEO Representative  
KNOWLEDGESTORM  
2520 NORTHWINDS PARKWAY #600  
ALPHARETTA, GA 30004

DFEH-200-43 (06/06)



Sent By: ;

08/13/2007 11:23

4082976160

770-290-8841;

Jul-18-07 11:45;

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COUNTY PROCESS SVC

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**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

\*\*\* EMPLOYMENT \*\*\*

DFEH # E200607-G-1111-00-rc

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (Indicate Mr. or Ms.)

ADDRESS

TELEPHONE NUMBER (INCLUDE AREA CODE)

CITY/STATE/ZIP

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT

ADDRESS

TELEPHONE NUMBER (Include Area Code)

CITY/STATE/ZIP

DFEH USE ONLY

NO. OF EMPLOYEES/MEMBERS (if known)

COUNTY

COUNTY CODE

THE PARTICULARS ARE:

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

RESPONDENT CODE

On 2 After Nov. 2006 I was

☐ fired  
☐ laid off  
☐ demoted  
☒ harassed  
☐ abusive characterization testing  
☐ forced to quit

☐ denied employment  
☐ denied promotion  
☐ denied transfer  
☐ denied accommodation  
☐ unreasonable non-job-related inquiry  
☐ other (specify) \_\_\_\_\_

☐ denied family or medical leave  
☐ denied pregnancy leave  
☐ denied equal pay  
☐ denied right to worker's comp  
☐ denied pregnancy accommodation

by Joe Braun

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of my:

☐ sex☒ national origin/ancestry☐ physical disability☐ cancer☐ age☐ marital status☐ mental disability☐ genetic characteristic☒ religion☐ sexual orientation☐ other (specify) \_\_\_\_\_☒ race/color☐ association

(Circle one) filing:  
Protesting; participating in  
investigation (retaliation for)

the reason given by

Name of Person and Job Title

Complaints of discrimination

Was because of

(please state

what you believe

to be reason(s))

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complaint Elected Court Action."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 5/4/07

City

City

COMPLAINANT'S SIGNATURE

RECEIVED

MAY 11 2007

DEPT. OF FAIR EMPLOYMENT AND  
HOUSING SAN JOSE

STATE OF CALIFORNIA

DATE FILED: MAY 11 2007

DFEH-300-03 (01/05)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

Sent By: ;

770-290-8841;

Jul-18-07 11:46;

Page 18/20

COUNTY PROCESS SVC

PAGE 17/19

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2570 N. First Street, Suite 480, San Jose, CA 95131  
(408) 325-0344 TTY (800) 700-2320 Fax (408) 325-0339  
www.dfeh.ca.gov

ARNOLD SCHWARZENEGGER, Governor



May 14, 2007

BRIAN KREGER

ATTORNEY

LAMBERTO &amp; KREGER

160 W SANTA CLARA STREET #1060

SAN JOSE, CA 95113

RE: E200607G1110-00-rc  
GILL/KNOWLEDGESTORM

Dear BRIAN KREGER:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 11, 2007 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Sent By; ;

07/15/2007 11:23

4082976160

770-290-8841;

Jul-18-07 11:46;

Page 19/20


COUNTY PROCESS SVC

PAGE 18/19

Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Marlene Massetti  
District Administrator

cc: Case File

JOE BROWN  
REGIONAL SALES MANAGER  
KNOWLEDGESTORM  
2520 NORTHWINDS PARKWAY #600  
ALPHARETTA, GA 30004

DFEH-200-43 (06/06)

Sent By: ;

07/13/2007 11:23

4082976160

770-290-8841;

Jul-18-07 11:46;

Page 20/20

COUNTY PROCESS SVC

PAGE 19/19

## \*\*\* EMPLOYMENT \*\*\*

COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACTDFEH # E200607-G-1110-00-ec

DFEH USE ONLY

## CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

JASBIR K GILL

TELEPHONE NUMBER (include area code)

408-980-8829

ADDRESS

4309 WATSON CIRCLE, SANTA CLARA, CA, 95054

CITY/STATE/ZIP

COUNTY

COUNTY CODE

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT  
AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

KNOWLEDGESTORM

TELEPHONE NUMBER (include Area Code)

770-290-8850

ADDRESS

2520 NORTHWINDS PARKWAY, SUITE 600

DFEH USE ONLY

CITY/STATE/ZIP

ALPHARETTA, GA, 30004

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

Greater than 100

DATE MOST RECENT OF CONTINUING DISCRIMINATION

TODD PLACE (month, day, and year) April 12<sup>th</sup>, 07

RESPONDENT CODE

THE PARTICULARS ARE:

On April 12<sup>th</sup>, 2007 I WAS
☒ hired  
☐ laid off  
☐ promoted  
☐ demoted  
☒ terminated  
☐ genetic characteristic testing  
☐ forced to quit

☐ denied employment  
☐ denied promotion  
☐ denied transfer  
☐ denied accommodation  
☐ (impairable) non-job-related inquiry  
☐ other (specify)

☐ denied family or medical leave  
☐ denied pregnancy leave  
☐ denied equal pay  
☐ denied right to wear pants  
☐ denied pregnancy accommodation
by JOE BROWN / JASON HOBACK Regional Sales Manager / Director of Sales  
Name of Person Job Title (supervisor/manager/personnel director/etc.)

because of my:

☐ race  
☐ age  
☒ religion  
☒ race/color

☒ national origin/ancestry  
☐ marital status  
☐ sexual orientation  
☐ association

☐ physical disability  
☐ mental disability  
☐ other (specify)

☐ cancer  
☐ genetic characteristic

☒ (Circle one) filing;  
☐ protesting/participating in  
☐ investigation (retaliation for)
the reason given by Violation of company policy (unspecified) discrimination  
Name of Person or Job Title

Was because of

[please state

what you believe

to be reason(s)]

Discrimination & retaliation

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complaints Elected Court Action."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 5/4/07At San Jose, CA

City

Jasbir Gill

COMPLAINANT'S SIGNATURE

RECEIVED

DATE FILED: MAY 11 2007

MAY 11 2007

DEPT. OF FAIR EMPLOYMENT AND  
HOUSING SAN JOSE

STATE OF CALIFORNIA



**CT CORPORATION**  
A WoltersKluwer Company

**Service of Process  
Transmittal**

07/16/2007

Log Number 512404376



**TO:** Michael Ewers, VP Finance  
KnowledgeStorm, Inc.  
2520 Northwinds Parkway, Suite 600  
Alpharetta, GA, 30004-

**RE:** Process Served in California

**FOR:** Knowledgestorm, Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Jasbir Gill and Mahmoud Kedkad, Pliffs. vs. Knowledgestorm, Inc. etc., et al., Dfts.

**DOCUMENT(S) SERVED:** Summons, Complaint(s), Notice, Letter, Attachment(s),

**COURT/AGENCY:** Santa Clara County, Superior Court, CA  
Case # 107CV089782

**NATURE OF ACTION:** Employee Litigation - Harassment - Discrimination on the basis of race

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Los Angeles, CA

**DATE AND HOUR OF SERVICE:** By Process Server on 07/16/2007 at 13:30

**APPEARANCE OR ANSWER DUE:** Within 30 days after service - file written response // 11/20/07 at 2:15 p.m. - First Case Management Conference

**ATTORNEY(S) / SENDER(S):** Brian S. Kreger  
Lamberto & Kreger  
160 W. Santa Clara St.  
Suite 1050  
San Jose, CA, 95113  
408-999-0300

**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day, 798219704794

**SIGNED:** C T Corporation System

**PER:** Dianne Christman

**ADDRESS:** 818 West Seventh Street  
Los Angeles, CA, 90017

**TELEPHONE:** 213-337-4615

Page 1 of 1 / VI

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.



1 Steven Kroll, Bar No. 216196  
2 FORD & HARRISON LLP  
3 350 South Grand Avenue, Suite 2300  
4 Los Angeles, CA 90071  
5 Telephone: (213) 237-2400  
6 Facsimile: (213) 237-2401

7 Attorneys for Defendant  
8 KNOWLEDGESTORM, INC.

RECORDED

2007 JUL -9 AM 26

FILED  
CLERK  
A. Ilas

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SANTA CLARA

11 JASBIR GILL, MAHMOUD KEDKAD,

12 Plaintiffs,

13 v.

14 KNOWLEDGESTORM, INC., a  
15 corporation, DOES 1 THROUGH 50,

16 Defendants.

CASE NO.: 107CV089782

DEFENDANT KNOWLEDGESTORM,  
INC.'S ANSWER TO PLAINTIFFS'  
COMPLAINT FOR DAMAGES

BY FAX

Action Filed: July 13, 2007  
Trial Date: None

17  
18 Defendant KnowledgeStorm, Inc. ("Defendant") hereby answers plaintiffs Jasbir Gill and  
19 Mahmoud Kedkad's ("Plaintiffs") unverified complaint for damages ("Complaint") as follows:  
20

21 GENERAL DENIAL

22 1. Pursuant to Code of Civil Procedure section 431.30, Defendant denies, both  
23 generally and specifically, each and every allegation contained in the Complaint and further  
24 specifically denies that Plaintiffs have suffered or will suffer any injury or damage as a result of  
25 any acts or omissions by or conduct of Defendant.

26 ///

27 ///

28 ///

LA:59056.1

CASE No. 107CV089782

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT FOR DAMAGES

DOCUMENT PRINTED ON RECYCLED PAPER



**AFFIRMATIVE DEFENSES**

Without assuming the burden of proof or persuasion, Defendant alleges that Plaintiffs' Complaint, and each cause of action alleged therein, is subject to the following affirmative defenses:

**FIRST AFFIRMATIVE DEFENSE**  
**(Failure To State A Cause Of Action)**

2. As a first separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, fails to state sufficient facts to constitute a cause of action against Defendant.

**SECOND AFFIRMATIVE DEFENSE**  
**(Plaintiffs Caused Damage)**

3. As a second separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, is barred because Plaintiffs' injuries, if any, were legally caused, in whole or in part, by Plaintiffs' own negligent or intentional acts or omissions.

**THIRD AFFIRMATIVE DEFENSE**  
**(No Proximate Cause)**

4. As a third separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, is barred because any injuries or damages allegedly sustained by Plaintiffs were not the result of any acts, omissions or other conduct of Defendant.

**FOURTH AFFIRMATIVE DEFENSE**  
**(Failure To Mitigate)**

5. As a fourth separate and affirmative defense, Defendant alleges that Plaintiffs are barred from recovering monetary damages to the extent that they have failed to mitigate their damages, if any, as required by law.

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- 2 -

**FIFTH AFFIRMATIVE DEFENSE**  
**(Statute Of Limitations)**

6. As a fifth separate and affirmative defense, Defendant alleges that Plaintiffs' Complaint, and each purported cause of action contained therein, is barred by the applicable statute of limitations.

**SIXTH AFFIRMATIVE DEFENSE**  
**(After-Acquired Evidence)**

7. As a sixth separate and affirmative defense, Defendant alleges that Plaintiffs' claims and damages, if any, are barred, in whole or in part, by the doctrine of after-acquired evidence.

**SEVENTH AFFIRMATIVE DEFENSE**  
**(Laches)**

8. As a seventh separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, is barred by the doctrine of laches.

**EIGHTH AFFIRMATIVE DEFENSE**  
**(Offset)**

9. Without conceding that any act of Defendant caused damage to Plaintiffs in any respect, Defendant is entitled to offset and recoup against any judgment that may be entered for the Plaintiffs.

**NINTH AFFIRMATIVE DEFENSE**  
**(Unclean Hands)**

10. As a ninth separate and affirmative defense, Defendant alleges that Plaintiffs' Complaint, and each purported cause of action contained therein, is barred by the doctrine of unclean hands.

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LA:59056.1

- 3 -

CASE NO. 107CV089782

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT FOR DAMAGES

DOCUMENT PRINTED ON RECYCLED PAPER

**TENTH AFFIRMATIVE DEFENSE**  
**(Workers' Compensation Preemption)**

11. As a tenth separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, is preempted by the California Workers' Compensation Act (Lab. Code, §§ 3600 *et seq.*).

**ELEVENTH AFFIRMATIVE DEFENSE**  
**(Waiver)**

12. As an eleventh separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, is barred by the doctrine of waiver.

**TWELFTH AFFIRMATIVE DEFENSE**  
**(Legitimate Business Reasons)**

13. As a twelfth separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, is barred because Defendant's alleged conduct was a just and proper exercise of management's discretion and was undertaken for legitimate, non-discriminatory business reasons, without any intent to discriminate, harass or retaliate against Plaintiffs in any manner prohibited by the California Fair Employment and Housing Act (FEHA) (Gov. Code, §§ 12940, *et seq.*) or any other law or public policy.

**THIRTEENTH AFFIRMATIVE DEFENSE**  
**(Anti-Discrimination Policies)**

14. As a thirteenth separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, is barred because Defendant promulgated an anti-discrimination / anti-harassment policy and complaint procedure, which Plaintiffs unreasonably failed to utilize and avoid any alleged harm, and Defendant exercised reasonable care to prevent and correct promptly any harassing behavior.

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- 4 -

**FOURTEENTH AFFIRMATIVE DEFENSE**  
**(At-Will Employment)**

15. As a fourteenth separate and affirmative defense, Defendant alleges that any recovery on Plaintiffs' claims are barred because their employment had no specified and was expressly terminable at-will at any time with or without cause, pursuant to California Labor Code section 2922.

**FIFTEENTH AFFIRMATIVE DEFENSE**  
**(Mixed Motive)**

16. As a fifteenth separate and affirmative defense, Defendant alleges that in the event Plaintiffs prove any wrongful acts by Defendant, the adverse employment actions about which Plaintiffs complain would have been the same even if the alleged wrongful motive played no role.

**SIXTEENTH AFFIRMATIVE DEFENSE**  
**(Pre-existing Conditions or Alternative Causes)**

17. As a sixteenth separate and affirmative defense, to the extent Plaintiffs suffered any symptoms of mental or emotional distress or injury, they were the result of pre-existing psychological disorders or alternative concurrent causes, and not the result of any act or omission of Defendant.

**SEVENTEENTH AFFIRMATIVE DEFENSE**  
**(Failure To Exhaust)**

18. As a seventeenth separate and affirmative defense, Defendant alleges that the Complaint, and each purported cause of action contained therein, is barred because Plaintiffs failed to exhaust their administrative remedies.

**RESERVATION OF RIGHTS**

19. Defendant reserves its right to assert additional affirmative defenses in the event discovery reveals that additional affirmative defenses are available to Defendant.

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- 5 -

CASE NO. 107CV089782

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT FOR DAMAGES

DOCUMENT PRINTED ON RECYCLED PAPER

1 WHEREFORE, Defendant prays for judgment as follows:

2 1. That Plaintiffs take nothing by way of their Complaint;

3 2. That the Complaint be dismissed in its entirety with prejudice and judgment  
4 entered in Defendant's favor;

5 3. That Defendant recover its costs of suit and reasonable attorneys' fees; and

6 4. That the Court award such other and further relief as it deems appropriate.

7  
8 Dated: August 8, 2007

FORD & HARRISON LLP

9  
10 By: Steven M. Kroll  
11 Steven Kroll  
12 Attorneys for Defendant  
13 KNOWLEDGESTORM INC.  
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**PROOF OF SERVICE BY MAIL**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 350 South Grand Avenue, Suite 2300, Los Angeles, California 90071. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On August 9, 2007, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**DEFENDANT KNOWLEDGESTORM INC.'S ANSWER TO PLAINTIFFS' COMPLAINT FOR DAMAGES**

in a sealed envelope, postage fully paid, addressed as follows:

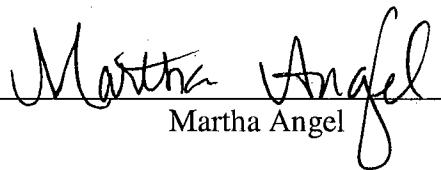
Brian S. Kreger, Esq.  
Lamberto & Kreger  
160 W. Santa Clara St., Suite 1050  
San Jose, CA 95113  
Telephone 408-999-0300  
Facsimile 408-999-0301

Counsel for Plaintiffs

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 9, 2007, at Los Angeles, California.

  
Martha Angel



Steven Kroll, Bar No. 216196  
FORD & HARRISON LLP  
350 South Grand Avenue, Suite 2300  
Los Angeles, CA 90071  
Telephone: (213) 237-2400  
Facsimile: (213) 237-2401

Attorneys for Defendant  
KNOWLEDGESTORM, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

JASBIR GILL, MAHMOUD KEDKAD,

Plaintiffs,

v.

KNOWLEDGESTORM, INC., a  
corporation, DOES 1 THROUGH 50,

Defendants.

CASE NO.: 107CV089782

**NOTICE TO STATE COURT OF  
REMOVAL OF ACTION BY DEFENDANT  
KNOWLEDGESTORM, INC. PURSUANT  
TO 28 U.S.C. §§ 1441 AND 1446**

Action Filed: July 13, 2007  
Trial Date: None

TO PLAINTIFFS JASBIR GILL AND MAHMOUD KEDKAD, THEIR ATTORNEY  
OF RECORD, AND THE CLERK OF THE SUPERIOR COURT OF THE STATE OF  
CALIFORNIA FOR THE COUNTY OF SANTA CLARA:

PLEASE TAKE NOTICE that on August 9, 2007, defendant KnowledgeStorm, Inc.  
("Defendant") filed a Notice of Removal in the Office of the Clerk of the United States District  
Court for the Northern District of California, San Jose Division, pursuant to 28 U.S.C. §§ 1441  
and 1446.

A true and correct copy of Defendant's Notice of Removal, together with the exhibits  
attached thereto, are attached hereto as Exhibit "A."

///

LA:59111.1

CASE NO. 107CV089782

NOTICE TO STATE COURT OF REMOVAL TO DISTRICT COURT

DOCUMENT PRINTED ON RECYCLED PAPER



1 Dated: August \_\_, 2007

FORD & HARRISON LLP

2  
3 By: St - M. Kroll

4 Steven Kroll  
5 Attorneys for Defendant  
6 KNOWLEDGESTORM, INC.  
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1 **PROOF OF SERVICE BY MAIL**

2 I am a citizen of the United States and employed in Los Angeles County, California. I am  
3 over the age of eighteen years and not a party to the within-entitled action. My business address  
4 is 350 South Grand Avenue, Suite 2300, Los Angeles, California 90071. I am readily familiar  
5 with this firm's practice for collection and processing of correspondence for mailing with the  
6 United States Postal Service. On August 9, 2007, I placed with this firm at the above address for  
7 deposit with the United States Postal Service a true and correct copy of the within document(s):

8 **NOTICE OF REMOVAL OF ACTION BY DEFENDANT**  
9 **KNOWLEDGESTORM, INC. PURSUANT TO**  
10 **PURSUANT TO 28 U.S.C. §§ 1441 AND 1446**

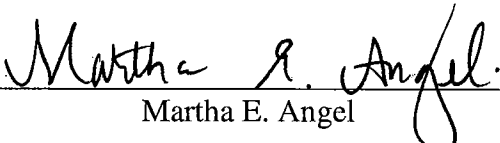
11 in a sealed envelope, postage fully paid, addressed as follows:

12 Brian S. Kreger, Esq.  
13 Lamberto & Kreger Counsel for Plaintiffs  
14 160 W. Santa Clara St., Suite 1050  
15 San Jose, CA 95113  
16 Tel: 408-999-0300  
17 Fax: 408-999-0301

18 Following ordinary business practices, the envelope was sealed and placed for collection  
19 and mailing on this date, and would, in the ordinary course of business, be deposited with the  
20 United States Postal Service on this date.

21 I declare under penalty of perjury under the laws of the United States of America and the  
22 State of California that the above is true and correct.

23 Executed on August 9, 2007, at Los Angeles, California.

24   
25 Martha E. Angel  
26  
27  
28